

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 4.16 OF TITLE 4 OF THE SAN JOSE MUNICIPAL CODE TO AMEND SECTION 4.16.260 AND ADD A NEW SECTION 4.16.290 TO PROVIDE THE DIRECTOR OF FINANCE DISCRETION TO DETERMINE THE DISPOSITION OF SURPLUS PROPERTY OF NOMINAL VALUE AND TO DELEGATE AUTHORITY TO THE POLICE CHIEF FOR THE DISPOSITION OF POLICE SERVICE DOGS AND POLICE FIREARMS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 4.16.260 of Chapter 4.16 of Title 4 of the San José Municipal Code is amended to read as follows:

4.16.260 Disposal of Property of Nominal Value

~~Notwithstanding Section 4.16.240, if the Director has attempted to sell property by sealed bid or at public auction, and any such property has remained unsold,~~ the Director may determine the disposition ~~dispose~~ of such property by any method which the Director determines to be most advantageous to the City considering the value of the property and the cost of sale, including but not limited to sale by salvage, recycling or disposal if (1) the property remained unsold following an attempt to sell under Section 4.16.240; (2) the cost to sell the property exceeds the estimated resale value of the property; or (3) the condition of the property is unacceptable for sale, donation, exchange or trade-in.

SECTION 2. Part 3 of Chapter 4.16 of Title 4 of the San José Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

4.16.290 Disposition of Firearms and Police Service Dogs

- A. Notwithstanding the other provisions of this Chapter, the Chief of Police is authorized to determine the disposition of surplus firearms by any of the following methods that best serves the interests of the City including: (1) sale to a law enforcement Agency; (2) sale to an authorized firearms retailer; (3) sale to an active sworn member of the Police Department; or (4) destruction if no safe alternative is available. The disposition of the surplus firearms shall be in compliance with applicable state or federal requirements.
- B. Notwithstanding the other provisions of this Chapter, the Chief of Police is authorized to determine the disposition of police service dogs including: (1) sale of the police service dog to the assigned police officer when the officer leaves the Canine Unit; (2) donation of the police service dog to the assigned police officer if the police service dog can no longer perform its required duties; or (3) any other method that best serves the interests of the City.

RD:RLT:ERD
11/14/2012

PASSED FOR PUBLICATION of title this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk